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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/040,628	01/09/2002	Toshiya Waku	218048US2S	3024
22850 7590 09/24/2007 OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER COBANOGLU, DILEK B	
			ART UNIT 3626	PAPER NUMBER
			NOTIFICATION DATE 09/24/2007	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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## Office Action Summary

Application No.

10/040,628

Applicant(s)

WAKU ET AL.

Examiner

Dilek B. Cobanoglu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 05 July 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 18-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 18-34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>04/09/2002</u> .  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 07/05/2007 has been entered.

2. Claims 18-21, 24-27, 29-32 have been amended. Claims 18-34 remain pending in this application.

### ***Claim Objections***

3. Claim 31 is objected to because of the following informalities: Claim 31 discloses "displaying the **undated** stream list to be shared". Examiner considers that there is a typographical error, and Applicant meant to disclose "the **updated** stream list". Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 18-34 are rejected under 35 U.S.C. 102(b) as being unpatentable by Hendrickson et al. (hereinafter Hendrickson) (U.S. Patent No. 5,740,800).

A. Claim 29 has been amended now to disclose a method of managing various works each of which is performed by using plurality of medical equipments and that relate to at least one patient or at least one medical examination, the method comprising:

- i. generating a stream list which includes a plurality of stream information defining a flow of work processes performed in one work (Hendrickson; col. 2, lines 11-26, col. 4, lines 26-54); and
- ii. displaying the stream list to be shared (Hendrickson; col. 3, lines 10-37, lines 56-67, figures 1 and 2).

B. Claim 30 has been amended now to disclose the method according to claim 29, further comprising:

- i. selecting a work process displayed by the display unit (Hendrickson; col. 5, lines 32-65, col. 6, lines 20-24); and
- ii. controlling the plurality of medical equipments to execute the selected work process (Hendrickson; col. 3, lines 10-37).

C. Claim 31 has been amended now to disclose the method according to claim 29, further comprising:

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- i. updating the stream list on the basis of a progress situation of works performed in the plurality of medical equipments (Hendrickson; col. 3, lines 10-37, col. 5, line 66 to col. 6, line 14); and
- ii. displaying the updated stream list to be shared (Hendrickson; col. 3, lines 10-37, col. 6, lines 31-36, figures 1-2).

D. Claim 32 has been amended now to disclose the method according to claim 31, further comprising transmitting the updated stream list to the plurality of medical equipments (Hendrickson; col. 3, lines 10-37, col. 6, lines 48-61).

E. As per claim 33, Hendrickson discloses the method according to claim 29, further comprising modifying the stream list on the basis of an input instruction (Hendrickson; col. 6, lines 48-61).

F. As per claim 34, Hendrickson discloses Hendrickson discloses the method according to claim 29, wherein in displaying the stream list, the stream list is displayed in such a manner so as to blind predetermined contents included in the stream list on the basis of a predetermined condition (Hendrickson; col. 5, lines 33-45).

G. Claim 24 has been amended now to recite a system comprising a host computer and a plurality of medical equipments and configured to manage various works which are performed by using the plurality of medical equipments and that relate to at least one patient or at least one medical examination,

- i. the host computer (Hendrickson; col. 3, lines 8-19) comprising: a generate unit configured to generate a stream list which includes a

plurality of stream information defining a flow of work processes performed in one work (Hendrickson; col. 2, lines 11-26, col. 4, lines 26-54); and

ii. a first transmit unit which transmits the updated stream list to the at least one medical equipment via a network (Hendrickson; col. 3, lines 10-37, col. 6, lines 48-61); and

iii. the plurality of medical equipments comprising: a receive unit configured the updated stream list from the host computer; and a display unit which displays the updated stream list to be shared (Hendrickson; col. 3, lines 10-37, col. 5, line 66 to col. 6, line 14)

H. As per claims 18-23 and 25-28, they are system claims, which repeat the same limitations of claims 29-34, the corresponding method claims, as a collection of elements as opposed to a series of process steps. Since the teachings of Hendrickson disclose the underlying process steps that constitute the methods of claims 29-34, it is respectfully submitted that they provide the underlying structural elements that perform the steps as well. As such, the limitations of claims 18-23 and 25-28 are rejected for the same reasons given above for claims 29-34.

### ***Response to Arguments***

6. Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited but not used prior art teach "Patient monitoring and data processing system" 4,216,462 A, "Patient care and communication system" 5,594,786 A, "Patient care and communication system" 5,689,229 A, "Medical facility and business: automatic interactive dynamic real-time management" 5,748,907 A, "X-ray CT scanner system having a plurality of x-ray scanner apparatus" 5,751,837 A, "Apparatus for remotely monitoring controllable devices" 5,764,159 A, "Interactive Method and System for managing physical exams, diagnosis and treatment protocols in a health care practice", 6,047,259, "Patient care and communication system" 6,259,355 B1, "Method and apparatus for remotely positioning region of interest in image" 6,500,122 B1, "Electrically controlled automated devices to control equipment and machinery with remote control and accountability worldwide" 6,647,328 B2.
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dilek B. Cobanoglu whose telephone number is 571-272-8295. The examiner can normally be reached on 8-4:30.
9. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on 571-272-6776. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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10. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DBC

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09/05/2007

*Robert W. Morgan*  
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